

REMARKS

Applicants have amended the definitions of mask body and rigid insert to further clarify the invention. Additionally, minor changes have been made to claims 19, 20, and 33 so that they read properly.

Claims 1-3, 5, 8, 29, and 32 have been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 4,960,121 to Nelson et al. (Nelson). Applicants have now amended the definition of "mask body" to mean:

The parts of a respiratory mask that extends in space relation away from a wearer's face during use and over their nose and mouth to help define an interior gas space that is separate from an exterior gas space.

In applicants' claimed invention, the mask body lacks a rigid insert and is non-elastomeric and is able to deform such that first and second cheek portions of the mask body can move towards each other about an axis when the mask body is held stationary and a force is exerted on the nose and chin portions. In Nelson, the respiratory mask includes a hard shell 12 and a face seal 14. The hard shell is molded from a suitable material such as an ABS plastic (column 2, lines 36-37), and the face seal is noted as being elastomeric (column 2, lines 26-37). Because the combination of the hard shell and the elastomeric face seal in Nelson are the parts that extend in space relationship away from a wearer's face during use and over their nose and mouth to help define an interior gas space, both of these parts together meet the above definition of a mask body. Applicants' have stated in their claim that the mask body lacks a rigid insert. Applicants have also amended the definition of rigid insert so that it reads as follows:

"Rigid insert" refers to a relatively stiff structural member that has been used on respiratory masks to provide adequate structure for attaching fluid communication components such as filter cartridges and exhalation valves while being joined to a more compliant mask body part that makes contact with and generally conforms to a wearer's face; and

It is also apparent that Nelson's hard shell 12 meets applicants' definition of a rigid insert. Nelson's mask therefore includes both a rigid insert and an elastomeric member that extends in spaced relationship away from the wearer's face when the mask is being worn. The inclusion of these features is manifestly different from the invention being claimed by applicants'. Further, there is no indication that Nelson's hard shell would be able to be deformed such that the first and

second cheek portions of the mask body can move towards each other about an axis when the mask is held stationary and a force is exerted on the nose and chin portions. More particularly, applicants' claim 19 specifies that the mask body of the invention is capable of exhibiting a deflection of at least 5 millimeters when an average force of 5 Newtons is applied to the mask body in accordance with the mask body deflection test. Claim 20 further indicates that the deflection would be at least 10 millimeters when such a force is applied. Nelson does not indicate that its mask body is capable of exhibiting such deflection when such a force is applied.

For the above reasons, applicants believe that the present application is in condition to be allowed. Please further review the outstanding rejections in light of the changes made to the terms that are used in the claims.

Respectfully submitted,

May 24, 2007

Date

By:



Karl G. Hanson, Reg. No.: 32,900

Telephone No.: 651-736-7776

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833